

## Message Text

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PAGE 01 SANTIA 00541 242058Z  
ACTION ARA-14

INFO OCT-01 IO-13 ISO-00 HA-05 TRSE-00 CIAE-00 DODE-00  
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TO SECSTATE WASHDC 7930  
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LIMITED OFFICIAL USE SANTIAGO 0541

E.O. 11652: N/A  
TAGS: SHUM, PINT, CI  
SUBJECT: APPEALS COURT HEARS AMPARO (HABEAS CORPUS) REQUEST  
OF BANISHED PDCERS

REF: SANTIAGO 478

1. SIX LAWYERS REPRESENTING THE 12 BANISHED CHRISTIAN  
DEMOCRATIC PARTY (PDC) LEADERS PRESENTED ARGUMENTS  
JAN. 21 BEFORE THE APPEALS COURT IN SANTIAGO. OF THE  
SIX, FORMER PDC PRESIDENT PATRICIO ALYWIN -- WHO HAD  
JUST VISITED AILING BROTHER ANDRES (REFTEL) -- RE-  
PORTEDLY PRESENTED THE MOST CONVINCING PLEA, EMO-  
TIONALLY DESCRIBING THE CONDITIONS TO WHICH THE  
12 HAVE BEEN SUBJECTED. THE COURT AFTERWARD REQUESTED  
THAT THE MINISTRY OF INTERIOR PROVIDE ADDITIONAL  
DATA: COPIES OF DECREES BANISHING THE 12, EXPLANATION  
OF HOUSE ARREST CONDITIONS, DISTANCE EACH BANISHED PERSON  
MUST TRAVEL TO SIGN IN EVERY DAY AND THE CASE FOR ALLOWING  
ONLY FAMILY MEMBERS TO VISIT. A VICARIATE OF SOLIDARITY SOURCE  
PRESENT DURING THE HEARINGS LATER TOLD AN EMBOFF THAT  
HE WAS CAUTIOUSLY OPTIMISTIC THAT THE COURT WOULD  
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PAGE 02 SANTIA 00541 242058Z

ACCEDE TO THE GROUP PETITION; PDC SOURCES DISAGREE,  
BELIEVING THAT HABEAS CORPUS WILL BE REJECTED. BOTH AGREED  
HOWEVER THAT IN EITHER CASE A DECISION WILL BE FORTH-  
COMING SOON, POSSIBLY BEFORE THE END OF THE WEEK.

2. MEANWHILE, RELATIVES OF THE BANISHED PDCERS HAVE  
SENT A LETTER TO INTERIOR MINISTER BENAVIDES, ASKING

THAT THE 12 BE BROUGHT BEFORE THE COURTS ON CHARGES.  
THE GROUP ARGUES THAT THE JUDICIAL POWER CAN BEST DETERMINE  
IF IN FACT THOSE BANISHED HAD BROKEN A LAW AND METE OUT  
A CORRESPONDING PENALTY.

3. COMMENT: THAT THE APPEALS COURT WOULD REQUEST  
MORE INFORMATION FROM THE GOC IS MILDLY ENCOURAGING,  
BUT WE LEAN TOWARD THE PESSIMISTIC PDC VIEW THAT THE  
COURT WILL REJECT THE HABEAS CORPUS PETITION. THE  
JUDICIAL POWER IN THE PAST HAS NOT CHALLENGED THE  
GOC STATE OF SIEGE POWERS IN SUCH CASES.  
LANDAU

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NNN

## Message Attributes

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